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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

RIGHTHAVEN LLC, a Nevada limited-  
liability company,

Plaintiff,

v.

GRANT N. GRAND, an individual; and  
FLORIDA OIL SPILL LAW, an entity of  
unknown origin and nature,

Defendants.

Case No.: 2:10-cv-1177

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Grant N. Grand (“Mr. Grand”) and Florida Oil Spill Law (“FOSL”; collectively with Mr. Grand known herein as the “Defendants”), on information and belief:

**NATURE OF ACTION**

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

**PARTIES**

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Mr. Grand is, and has been at all times relevant to this lawsuit, identified by the current registrar, eNom Inc. (“eNom”), as the registrant and administrative contact for the Internet domain found at <floridaoilspilllaw.com> (the “Domain”).

5. FOSL is, and has been at all times relevant to this lawsuit, an entity of unknown origin and nature.

6. Attempts to find evidence of formal organizational status in the respective Secretary of State offices of Delaware, California, Illinois, New York, Texas, Tennessee, Nevada, and Florida demonstrate that, at least with respect to these states, FOSL is not a formally organized business entity.

7. FOSL is, and has been at all times relevant to this lawsuit, the self-proclaimed owner of the copyright(s) in the work(s) posted as part of the content accessible through the Domain (said content accessible through the Domain known herein as the “Website”), as evidenced by a copyright notice displayed on the Website: “Copyright © 2010 Florida Oil Spill Law - All Rights Reserved.”

**JURISDICTION**

8. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

9. Righthaven is the owner of the copyright in the literary work entitled: “Exxon Valdez oil risks spur warning for gulf cleanup crews” (the “Work”), attached hereto as Exhibit 1.

10. At all times relevant to this lawsuit, the Work has depicted and depicts the original source publication as the Las Vegas *Review-Journal*.

1           11.     The Defendants willfully copied, on an unauthorized basis, the Work from a  
2 source emanating from Nevada.

3           12.     On or about June 1, 2010, the Defendants displayed, and continue to display, an  
4 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, on the  
5 Website.

6           13.     At all times relevant to this lawsuit, the Defendants knew that the Work was  
7 originally published in the *Las Vegas Review-Journal*.

8           14.     The Defendants’ display of the Infringement was and is purposefully directed at  
9 Nevada residents.

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11  
12                               **VENUE**

13           15.     The United States District Court for the District of Nevada is an appropriate  
14 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to  
15 the claim for relief are situated in Nevada.

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17  
18                               **FACTS**

19           16.     The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §  
20 102(a)(1).

21           17.     Righthaven is the owner of the copyright in and to the Work.

22           18.     The Work was originally published on May 10, 2010.

23           19.     On July 9, 2010, the United States Copyright Office (the “USCO”) granted  
24 Righthaven the registration to the Work, copyright registration number TX0007171971 (the  
25 “Registration”) and attached hereto as Exhibit 3 is evidence of the Registration in the form of a  
26 printout of the official USCO database record depicting the occurrence of the Registration.

27           20.     On or about June 1, 2010, the Defendants displayed, and continue to display, the  
28 Infringement on the Website.

1           21.     The Defendants replaced the Work's original title: "Exxon Valdez oil risks spur  
2 warning for gulf cleanup crews," with a new title: "Exxon Valdez foreman: 'Oil is 1,000 times  
3 more toxic than we thought.'"

4           22.     The Defendants did not seek permission, in any manner, to reproduce, display, or  
5 otherwise exploit the Work.

6           23.     The Defendants were not granted permission, in any manner, to reproduce,  
7 display, or otherwise exploit the Work.

8  
9  
10                   **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

11           24.     Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through  
12 23 above.

13           25.     Righthaven holds the exclusive right to reproduce the Work, pursuant to 17  
14 U.S.C. § 106(1).

15           26.     Righthaven holds the exclusive right to prepare derivative works based upon the  
16 Work, pursuant to 17 U.S.C. § 106(2).

17           27.     Righthaven holds the exclusive right to distribute copies of the Work, pursuant to  
18 17 U.S.C. § 106(3).

19           28.     Righthaven holds the exclusive right to publicly display the Work, pursuant to 17  
20 U.S.C. § 106(5).

21           29.     The Defendants reproduced the Work in derogation of Righthaven's exclusive  
22 rights under 17 U.S.C. § 106(1).

23           30.     The Defendants created an unauthorized derivative of the Work in derogation of  
24 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

25           31.     The Defendants distributed, and continue to distribute, an unauthorized  
26 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under  
27 17 U.S.C. § 106(3).

1           32.     The Defendants publicly displayed, and continue to publicly display, an  
2 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive  
3 rights under 17 U.S.C. § 106(5).

4           33.     Mr. Grand has willfully engaged in the copyright infringement of the Work.

5           34.     FOSL has willfully engaged in the copyright infringement of the Work.

6           35.     The Defendants' acts as alleged herein, and the ongoing direct results of those  
7 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount  
8 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

9           36.     Unless the Defendants are preliminarily and permanently enjoined from further  
10 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus  
11 entitled to preliminary and permanent injunctive relief against further infringement by the  
12 Defendants of the Work, pursuant to 17 U.S.C. § 502.

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15                                   **PRAYER FOR RELIEF**

16           Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

17           1.     Preliminarily and permanently enjoin and restrain the Defendants, and the  
18 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related  
19 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from  
20 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works  
21 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,  
22 directing, participating in, or assisting in any such activity;

23           2.     Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies  
24 or electronic copies:

25                 a.     All evidence and documentation relating in any way to the Defendants'  
26 use of the Work, in any form, including, without limitation, all such evidence and  
27 documentation relating to the Website;

1           b.       All evidence and documentation relating to the names and addresses  
2           (whether electronic mail addresses or otherwise) of any person with whom the  
3           Defendants have communicated regarding the Defendants' use of the Work; and

4           c.       All financial evidence and documentation relating to the Defendants' use  
5           of the Work;

6           3.       Direct eNom and any successor domain name registrar for the Domain to lock the  
7           Domain and transfer control of the Domain to Righthaven;

8           4.       Award Righthaven statutory damages for the willful infringement of the Work,  
9           pursuant to 17 U.S.C. § 504(c);

10          5.       Award Righthaven costs, disbursements, and attorneys' fees incurred by  
11          Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

12          6.       Award Righthaven pre- and post-judgment interest in accordance with applicable  
13          law; and

14          7.       Grant Righthaven such other relief as this Court deems appropriate.

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16  
17                                   **DEMAND FOR JURY TRIAL**

18          Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

19          Dated this fifteenth day of July, 2010.

20  
21                                   RIGHTHAVEN LLC

22  
23                                   By: /s/ J. Charles Coons  
24                                   STEVEN A. GIBSON, ESQ.  
25                                   Nevada Bar No. 6656  
26                                   J. CHARLES COONS, ESQ.  
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